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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
07 DEC 26 AM 11:31
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
DEPUTY

UNITED STATES OF AMERICA,	)	Magistrate Docket No. '07 MJ 2971
Plaintiff,	)	
v.	)	COMPLAINT FOR VIOLATION OF:
	)	Title 8, U.S.C., Section 1326
Abel AREVALOS-Barrios,	)	Deported Alien Found in the
	)	United States
Defendant	)	

The undersigned complainant, being duly sworn, states:

On or about **December 23, 2007** within the Southern District of California, defendant, **Abel AREVALOS-Barrios,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **26th** DAY OF **DECEMBER 2007**

Leo S. Papas
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Abel AREVALOS-Barrios

PROBABLE CAUSE STATEMENT

I declare under the penalty of perjury that the following statement is true and correct:

On December 23, 2007at approximately 1:05 A.M., Senior Patrol Agents I. Shnider and F. Pou encountered a silver Mazda pick-up truck parked under the Interstate 15 overpass on Rainbow Glen Road in Rainbow, California. This area is commonly used by alien smugglers as a lay up area during traffic check operations. The agents approached the vehicle and notice three individuals, two in the bed of the truck and one in the front passenger area. The agents identified themselves as Border Patrol Agents and questioned the subjects as to their citizenship. All three freely admitted they were Mexican nationals not in possession of proper immigration documents. Further questioning revealed that all three subjects entered the United States at a place not designated as a Port of Entry and without being admitted or inspected by any official of the U.S. Government. The three subjects were arrested and transported to the Murrieta Border Patrol Station for further processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **September 12, 2007** through **San Ysidro, California.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

Executed on December 24, 2007 at 9:30 A.M

Raul Castorena
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of **1** page, I find probable cause to believe that the defendant named in this probable cause statement committed the offense on **December 23, 2007**, in violation of Title **8**, United States Code, Section **1326**.

Leo S. Papas
United States Magistrate Judge

12/24/07 - 9:44 AM
Date/Time